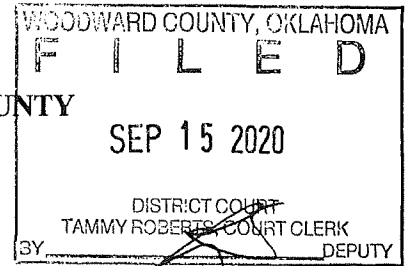


IN THE DISTRICT COURT OF WOODWARD COUNTY
STATE OF OKLAHOMA



REGAN R. DAWSON,

Plaintiff,

v.

EUGENE P. TALLHAMER

and

CLEARPOINT CHEMICALS, LLC,

Defendants.

Case No: CJ-2020-70

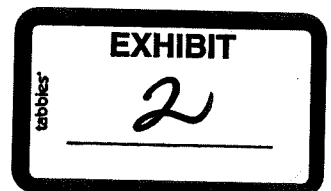
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PETITION

COMES NOW the Plaintiff, Regan Dawson, and for her cause of action against the Defendants, Eugene Tallhamer and Clearpoint Chemicals, LLC, alleges and sets forth as follows:

I. Parties, Jurisdiction, & Venue

1. The motor vehicle collision and injuries at issue in this suit occurred on January 31, 2019, in Woodward, Woodward County, State of Oklahoma.
2. Plaintiff Regan Dawson is a resident of Alva, Woods County, State of Oklahoma.
3. Defendant Eugene Tallhamer is a resident of Glenville, Gilmer County, State of West Virginia.
4. Defendant Clearpoint Chemicals, LLC was the employer of Mr. Tallhamer at the time of the motor vehicle collision and the registered owner of the vehicle involved in the collision. Clearpoint Chemicals, LLC is located in Fairhope, Baldwin County, State of Alabama and incorporated to do business in the State of Oklahoma.



5. This Court has jurisdiction to hear this matter and venue is proper in Woodward County, Oklahoma.

II. The Cause of Action: Negligence

6. Plaintiff incorporates and restates the allegations contained in paragraphs one through five above as though fully stated herein, and further pleads and alleges as follows.
7. On that date, a vehicle owned by Clearpoint Chemicals, LLC and driven by Eugene Tallhamer collided with Plaintiff's vehicle at or near the intersections of SH-15 (Oklahoma Avenue) and US HWY 183 N (Old Supply Road) in Woodward, Woodward County, State of Oklahoma.
8. Defendant Tallhamer was negligent in causing this collision.
9. Defendant Clearpoint Chemicals negligently entrusted the involved vehicle to Defendant Tallhamer.
10. Specifically, Defendant Tallhamer was distracted and failed to notice Plaintiff's vehicle was stopped for a red light and collided with the rear-end of Plaintiff's vehicle.
11. As a result, Plaintiff's vehicle was damaged and Plaintiff was injured and incurred damages.
12. Defendant Tallhamer owed Plaintiff, and all other drivers on the road, a duty to operate the vehicle under his control in a safe and reasonable manner, using ordinary care to prevent injury to other persons, including Plaintiff, and to keep a lookout consistent with the safety of other vehicles.

13. By failing to operate his vehicle in such a way, Defendant Tallhamer breached the duty owed to Plaintiff.

14. This breach by Defendant Tallhamer was the actual and proximate cause of Plaintiff's injuries.

15. Defendant violated local City Traffic Ordinances and Oklahoma State Traffic Rules of the Road in causing this crash. (negligence *per se*).

16. The collision at issue in this suit was caused by the negligence of Defendant Tallhamer as follows:

- A. He was careless;
- B. He failed to stop;
- C. He was inattentive;
- D. He failed to maintain a proper lookout;
- E. He violated various local city ordinances and Statutes of the State of Oklahoma (negligence *per se*); and
- F. He was otherwise negligent as will be more fully set forth after discovery is completed.

17. As a result of the negligence of the Defendant Tallhamer, Plaintiff suffered injuries and damages in excess of \$75,000.00 as follows:

- A. Past medical expenses;
- B. Future medical expenses;
- C. Past physical pain and suffering;
- D. Future physical pain and suffering;
- E. Past mental pain and suffering;
- F. Future mental pain and suffering;

- G. Past lost wages;
- H. Future lost wages;
- I. Loss of earning capacity
- J. Permanent impairment;
- K. Disfigurement;
- L. Property damage;
- M. Other damages to be set forth more fully after discovery is completed.

III. Conclusion

WHEREFORE, the Plaintiff prays for judgment against the Defendants for the injuries and damages set forth above, costs of suit herein incurred, interest and such other and further relief as the Court deems just and equitable.

Dated: September 11, 2020

Respectfully submitted,



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